

Introduced by Senator Thompson
(Coauthor: Assembly Member Thomson)

January 26, 1998

An act to amend Section 6840 of, to add Section 6835.1 to, and to repeal Sections 6831, 6832, and 6842 of, the Harbors and Navigation Code, to amend Section 5782.27 of the Public Resources Code, and to amend Section 55310.2 of the Water Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1436, as introduced, Thompson. Local government.

(1) Existing law provides for the establishment of river port districts which are governed by port commissions with specified membership. Existing law provides that a board of election, constituted as specified, selects the chairman of the commission and the auditor of the district. Existing law provides that meetings of the board of election may be called by the mayor of the city having the largest value of land in the district or any chairman of any board of supervisors of any county in the district.

This bill would eliminate the provisions concerning the board of election, require the commission to select its chairperson, delete the office of district auditor, and specify that a person shall not be ineligible for appointment nor shall his or her offices be deemed incompatible because the person is also an elected official of an appointing governmental authority.

(2) Existing law authorizes the Camp Meeker Recreation and Park District to exercise certain powers of a county water district.

This bill would broaden that authorization to allow the district to exercise the powers of a county water district with respect to sewer facilities.

(3) Existing law requires the Board of Directors of the Mendocino County Waterworks District #2 to be elected at a district election that is consolidated with the statewide direct primary election.

This bill would delete the requirement that the election be consolidated.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6831 of the Harbors and
2 Navigation Code is repealed.

3 ~~6831. A board of election shall select the chairman of~~
4 ~~the board from its membership. The election board~~
5 ~~consists of two members selected from the board of~~
6 ~~supervisors of the county in which is located the largest~~
7 ~~proportion in value of the land within the district, two~~
8 ~~members of the governing body of the municipality in~~
9 ~~which is located the largest proportion in value of the land~~
10 ~~within the district. The fifth member of the election~~
11 ~~board is selected by the boards of supervisors of any other~~
12 ~~counties located within the district. The board of election~~
13 ~~shall also select the auditor of the district.~~

14 SEC. 2. Section 6832 of the Harbors and Navigation
15 Code is repealed.

16 ~~6832. The mayor of the municipality in which is~~
17 ~~located the largest proportion in value of the land within~~
18 ~~the district, or any chairman of any of the boards of~~
19 ~~supervisors of the counties in which the district is located,~~
20 ~~may call meetings of the board of election.~~



SEC. 3. Section 6835.1 is added to the Harbors and Navigation Code, to read:

6835.1. A person shall not be ineligible for appointment nor shall his or her offices be deemed incompatible because that person is also an elected official of an appointing governmental authority.

SEC. 4. Section 6840 of the Harbors and Navigation Code is amended to read:

6840. The board shall select one of its members ~~vice chairman~~ *as chairperson and select one of its members as vice chairperson*, who shall preside in the absence of the ~~chairman, and excepting for the auditor, it~~ *chairperson*. It may provide for and select such officers as it deems necessary to conduct the affairs of the district.

SEC. 5. Section 6842 of the Harbors and Navigation Code is repealed.

~~6842. The auditor of the district, selected by the board of election, shall hold office during the pleasure of the board of election, and it shall fix his salary and require him to file a bond for the faithful performance of his duties in such a manner as it may determine.~~

SEC. 6. Section 5782.27 of the Public Resources Code is amended to read:

5782.27. (a) In addition to the powers which may be exercised pursuant to this chapter, the Camp Meeker Recreation and Park District may exercise the powers of a county water district as set forth in Article 1 (commencing with Section 31000) to Article 5 6 (commencing with Section ~~31080~~ *31100*), inclusive, of Part 5 of Division 12 of the Water Code, Part 6 (commencing with Section 31300) of Division 12 of the Water Code, and Part 7 (commencing with Section 31650) of Division 12 of the Water Code.

(b) The powers granted to the Camp Meeker Recreation and Park District by this section may be exercised by the district only if the authority to exercise these powers is approved by the local agency formation commission.

SEC. 7. Section 55310.2 of the Water Code is amended to read:

1 55310.2. (a) Notwithstanding Section 55301, the
2 Board of Directors of the Mendocino County Waterworks
3 District #2 shall be elected. The elected board of
4 directors shall act as the governing board of the district.

5 (b) There shall be five members of the board who shall
6 be elected at large throughout the district. The directors
7 shall be residents of the district at the time of election and
8 shall remain residents throughout their term. Failure to
9 maintain residency shall cause the director to vacate the
10 office. ~~Except as provided in subdivision (f), the~~ *The*
11 ~~directors shall serve four-year terms. The election of~~
12 ~~directors shall be held at the time of, and consolidate with,~~
13 ~~the statewide direct primary. The election of directors~~
14 ~~shall be held by the all-mailed ballot procedure pursuant~~
15 ~~to Division 4 (commencing with Section 4000) of the~~
16 ~~Elections Code on the date described in Section 1501 of~~
17 ~~the Elections Code.~~

18 (c) Elections for the directors shall be conducted by
19 the county clerk or by another election officer designated
20 by the Mendocino Board of Supervisors. The district shall
21 be responsible for the cost of the district elections.

22 (d) Unless otherwise provided or required by this
23 section, Part 3 (commencing with Section 23500) of
24 Division 14 of the Elections Code shall apply to the
25 conduct of the district election.

26 (e) Any vacancy on the board, other than upon the
27 expiration of a term, shall be filled by a majority vote of
28 the directors. However, no vacancy shall be filled by less
29 than three members' affirmative votes. If the board fails
30 to fill a vacancy within 60 days of the vacancy or if the
31 membership of the board is less than four, the Mendocino
32 County Board of Supervisors may appoint members to fill
33 the vacancies. Appointed members shall serve until the
34 next district election at which time the remainder of the
35 unexpired term shall be filled at that election in the
36 manner provided in this section.

37 (f) ~~The first district election shall be held at the~~
38 ~~statewide direct primary election in 1996. The five~~
39 ~~candidates receiving the greatest number of votes shall~~
40 ~~be elected. The two candidates receiving the greatest~~

~~number of votes shall serve four-year terms, and the three candidates receiving the next greatest number of votes shall serve two-year terms.~~

~~(g)~~ Directors shall be elected without reference to districts and, except for the filling of unexpired terms, without reference to a specific directorship. All candidates for open seats, except for the filling of unexpired terms, shall appear on the same ballot. Voters shall be allowed to vote for the number of candidates equal to the open seats; that number of candidates equal to the number of open seats that receive a plurality shall be elected. Write-in votes shall be counted, provided that the write-in candidate shall have complied with the requirements of subdivision (d) ~~of this section~~ pertaining to the filing of a nomination form and signatures with the county clerk no less than 14 days prior to the election.

~~(h)~~

(g) Directors duly elected and certified at the first election shall assume office on July 1, 1996. The two-year terms shall expire on June 30, 1998. The first four-year terms shall expire on June 30, 2000. All subsequent terms shall expire on the last day of June in even numbered years.

~~(i)~~

(h) Directors shall receive no compensation for service, but may be reimbursed only for necessary and actual expenses. Regulations governing reimbursement may be adopted by the board.

~~(j)~~

(i) Effective July 1, 1996, the elected Mendocino County Waterworks District #2 board of directors shall succeed to and have all the powers previously conferred upon the board of supervisors and the appointed board of directors in reference to this district.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

1 In order to allow various port commissions, the Camp
2 Meeker Recreation and Park District, and the Board of
3 Directors of the Mendocino County Waterworks District
4 #2 to operate promptly and effectively to resolve public
5 concerns, it is necessary for this act to take effect
6 immediately.

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